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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,880

04/21/2006

Yoon-Seob Eom

P-0773

5874

34610 7590 09/30/2008

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EXAMINER

RAHIM, AZIM

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,880	<b>Applicant(s)</b> EOM ET AL.	
	<b>Examiner</b> AZIM RAHIM	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/17/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Remarks***

1. In the IDS presented by the Applicant filed 7/17/2008, the foreign references were not considered because the Applicant has not supplied copies of the references.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kang et al (US 2001/0035021).

Regarding claim 1, Kang et al. teach a window type air conditioner (fig. 2) comprising: a case (90) of which one side is positioned at an indoor side (explicitly shown) and another side is positioned at an outdoor side (explicitly shown); an indoor heat exchanger (40) mounted inside the case (explicitly shown) positioned at the indoor side (explicitly shown) thus to be heat-exchanged with the indoor air; an indoor centrifugal fan (60) opposite to the indoor heat exchanger (explicitly shown) for generating a blowing force so that the indoor air can pass through the indoor heat exchanger; an outdoor heat exchanger (80) mounted inside the case (explicitly shown) positioned at the outdoor side (explicitly shown) thus to be heat-exchanged

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with the outdoor air; and an outdoor centrifugal fan (70) opposite to the outdoor heat exchanger (explicitly shown) and a condensing water dispersing unit [0068 lines 18-23] mounted at the outdoor centrifugal fan for dispersing condensing water collected at the lower surface of the case to the outdoor heat exchanger [0068 lines 18-23]. Kang et al. also teach the limitation of providing an outdoor centrifugal fan (70) that generates a centrifugal force to blow the outdoor air [this intended use limitation is capable of being performed by the claimed invention], wherein the outdoor centrifugal fan comprises: a hub (center portion of fan 60) connected to a driving motor (55) by a rotational shaft (the shaft attached to motor 55); a plurality of blades (blades between the hub and ring 72) formed at the outer side of the hub in a circumferential direction (explicitly shown) with the same interval therebetween (explicitly shown); and a supporting ring (72) mounted between the blades for supporting the blades [as illustrated in figure 2, portions of the ring are disposed in a vicinity between three blades]. It is noted that fan 70 generates centrifugal force when in spinning motion.

Regarding claim 2, Kang et al. teach the limitation of an outdoor air suction port (92) being respectively formed at both lateral surfaces of the case (illustrated in figure 2) positioned at the outdoor side (explicitly shown), and an outdoor air discharge port (area of condenser 80) is formed at the rear surface of the case (explicitly shown in fig. 1).

Regarding claim 3, Kang et al. teach the limitation of the outdoor fan being installed in a shroud (75) mounted inside the case positioned at the indoor side (explicitly shown), and the shroud is provided with an air guide (76) that guides air blown from the outdoor centrifugal fan

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to the outdoor heat exchanger [as illustrated in figure 2, air guide 76 is capable of guiding air directed toward the outdoor heat exchanger].

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang et al.

Regarding claims 5-8, Kang et al. teach all the limitations of the claimed invention, but fail to explicitly teach the limitation of the condensing water dispersing unit being composed of a dispersion ring connected to the outdoor fan thus to be rotated together for dispersing the condensing water, wherein the dispersion ring is connected to a hub of the outdoor centrifugal fan by a supporting ring, and wherein the dispersing ring is respectively connected to the blades of the outdoor centrifugal fan by the supporting ring thus to form a ring shape.

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Kang et al. does teach the limitation of providing a supporting ring (72) being connected to the outdoor fan (70) thus to be rotated together for dispersing the condensing water [0068 lines 18-23], wherein the dispersion ring is connected to a hub (center portion of fan 70) of the outdoor fan.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have added a dispersion ring to the claimed invention, as a matter of obvious duplication of parts in order to provide added support to the blades, thus extending the life of the fan.

### ***Response to Arguments***

7. Applicant's arguments, see pages 8 and 9 of the Remarks section, filed 7/17/2008, with respect to the double patenting rejection and the 102 rejection in view of Liang have been fully considered and are persuasive. These rejections have been withdrawn.

8. Applicant's arguments filed 7/17/2008 with respect to the use of the Kang et al. reference have been fully considered but they are not persuasive. The Applicants suggest that Kang et al. do not teach an outdoor centrifugal fan that comprises a supporting ring mounted between and supporting the plurality of blades. The examiner respectfully disagrees. Fan 70 does generate a centrifugal force to blow outdoor air. In addition, in regard to the intended function of the outdoor fan, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647

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(1987). Also, as described above, portions of supporting ring 72 are disposed between the fan blades. The Applicant has not claimed how the ring is disposed between the blades. Therefore, the Kang et al. reference reads on the claimed limitations of independent claim 1. In conclusion, for at least these reasons, the Examiner respectfully submits that the rejections of claim 1 and its dependants are properly upheld. It is noted that the Kang et al. reference is used in a 102 rejection instead of a 103 rejection, as presented in the previous office action mailed 3/19/2008 with respect to claims 1-3, because the Applicant has amended claim 1 in a fashion that has enabled Kang et al. to anticipate the claimed invention.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIM RAHIM whose telephone number is (571) 270-1998. The examiner can normally be reached on Monday - Thursday 7am - 3pm EST and Friday 7am - 9:30am EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681 or Cheryl Tyler at 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. R./  
Examiner, Art Unit 3744  
9/17/2008

/Cheryl J. Tyler/  
Supervisory Patent Examiner, Art Unit  
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